



General Assembly

February Session, 2008

**Substitute Bill No. 5677**

\* \_\_\_\_\_HB05677LAB\_\_\_\_031308\_\_\_\_\_\*

**AN ACT CONCERNING THE PROTECTION OF CHILD PERFORMERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective January 1, 2010*) As used in sections 1 to 9,  
2       inclusive, of this act:

3       (1) "Artistic or creative service" includes, but is not limited to,  
4       service as an actor, actress, dancer, musician, comedian, singer, stunt-  
5       person, voice-over artist, broadcaster, other performer or entertainer,  
6       songwriter, musical producer or arranger, writer, director, producer,  
7       production executive, choreographer, composer, conductor or designer  
8       but does not include interviews or participation in news stories;

9       (2) "Child performer" means any child under eighteen years of age  
10      who resides in and who agrees to render any artistic or creative service  
11      in this state, except (A) a child found by a court to be emancipated  
12      pursuant to section 46b-150 of the 2008 supplement to the general  
13      statutes, (B) who has graduated from high school, or (C) who is sixteen  
14      or seventeen years of age and has withdrawn from school in  
15      accordance with the provisions of section 10-184 of the general  
16      statutes;

17      (3) "Employer" means a person or entity that exhibits, uses or  
18      employs a child performer to furnish any artistic or creative service for  
19      a fee either directly or through a third-party provider, agency or

20 service that provides artistic or creative services;

21 (4) "Child performer trust" means a trust, established in accordance  
22 with chapter 802c of the general statutes, for the benefit of a child  
23 performer; and

24 (5) "Gross earnings" means the total compensation prior to taxes,  
25 deductions or commissions payable to a child performer pursuant to a  
26 contract or, in the case of a third-party individual or personal services  
27 corporation, the total compensation paid to the third-party for the  
28 services of the child performer, except that where the child performer  
29 is employed as a musician, singer, songwriter, musical producer or  
30 arranger, "gross earnings" means the total compensation under the  
31 contract including advances, but excluding deductions to offset such  
32 advances or other expenses incurred by the employer pursuant to the  
33 contract.

34 Sec. 2. (NEW) (*Effective January 1, 2010*) (a) Except as otherwise  
35 provided in this section, a person exhibiting, using or employing or  
36 causing, procuring or consenting to the exhibition, use or employment  
37 of any child as a performer in any artistic or creative service shall  
38 comply with the provisions of this section, sections 3 to 8, inclusive, of  
39 this act and the regulations adopted pursuant to section 9 of this act.  
40 Such person shall comply with said sections and regulations regardless  
41 of whether such artistic or creative service occurs in a public or private  
42 place, an admission fee is charged or such child or any other person is  
43 to be compensated for the exhibition, use or employment of such child.  
44 Prior to employing a child performer in any artistic or creative service,  
45 a person shall obtain a certificate of eligibility pursuant to section 5 of  
46 this act. No person shall employ a child performer in any artistic or  
47 creative service unless the child holds a child performer permit  
48 pursuant to section 6 of this act.

49 (b) The provisions of subsection (a) of this section shall not apply to  
50 a child's participation in any performance that is (1) part of the regular  
51 services or activities of a church, academy or school; (2) the graduation

52 exercises of any academy or school; (3) in a private home; (4) in a  
53 museum, library or religious, civic or educational institution; or (5) a  
54 radio or television broadcast for not more than two hours a week from  
55 the studio of a regularly licensed broadcasting company where the  
56 performance of the child is of a nonprofessional character and occurs  
57 during hours when attendance for educational instruction is not  
58 required in accordance with chapter 168 of the general statutes.

59 Sec. 3. (NEW) (*Effective January 1, 2010*) (a) Except as provided in  
60 subsection (b) of this section, a parent or any person having the care,  
61 custody or control of a child performer shall instruct or cause such  
62 child to be instructed in accordance with section 10-184 of the general  
63 statutes.

64 (b) (1) For purposes of this subsection, "employment schedule"  
65 means the time that a child performer is required to be present at the  
66 place of employment, excluding travel.

67 (2) If a child performer is unable to attend school for three or more  
68 consecutive days, or is unable to receive equivalent instruction in the  
69 studies taught in the public schools for three or more consecutive days,  
70 due to his or her employment schedule, the employer, either directly  
71 or indirectly through a third person, shall provide a teacher, who is  
72 either certified or has credentials recognized by this state, to the child  
73 performer to provide the educational instruction required under  
74 section 10-184 of the general statutes.

75 (c) A child performer receiving educational instruction pursuant to  
76 subsection (b) of this section and the parents or person having the care,  
77 custody or control of the child performer shall work with the teacher  
78 provided to the child performer and the child performer's school of  
79 enrollment to assist in such educational instruction.

80 (d) No child performer shall be deemed truant under section 10-  
81 198a of the general statutes while the child performer (1) has a valid  
82 child performer permit issued in accordance with section 6 of this act,  
83 and (2) is receiving educational instruction in accordance with

84 subsection (b) of this section.

85 Sec. 4. (NEW) (*Effective January 1, 2010*) (a) Whenever a child  
86 performer's gross earnings in any calendar year exceeds ten thousand  
87 dollars, the parent or legal guardian of the child performer shall  
88 establish a child performer trust in accordance with chapter 802c of the  
89 general statutes, unless such trust has previously been established. The  
90 child performer's parent or legal guardian may serve as custodian of  
91 the trust. Upon establishment of the child performer trust, the parent,  
92 legal guardian or custodian of the trust of the child performer shall  
93 notify the employer of the existence of the trust and any additional  
94 information required to make the transfers required under subsection  
95 (b) of this section.

96 (b) (1) Not later than thirty days after the final day of a child  
97 performer's employment, except when the performance contract is for  
98 a period longer than thirty days, the employer shall transfer fifteen per  
99 cent of gross earnings to the custodian of the child performer's child  
100 performer trust. When the employment is longer than thirty days, the  
101 employer shall make the required transfer every payroll period.

102 (2) The custodian of the child performer trust shall promptly notify  
103 the employer of any change in facts that affect the employer's  
104 obligation to transfer funds under subdivision (1) of this subsection.  
105 Upon request of the parent or legal guardian of the child performer,  
106 the custodian may require the employer to transfer more than fifteen  
107 per cent of the gross earnings to the child performer trust. Once the  
108 child performer trust balance reaches two hundred fifty thousand  
109 dollars, or more, a trust company, as defined in section 45a-557a of the  
110 general statutes, shall be appointed custodian of the trust.

111 (c) The child performer may terminate the child performer trust  
112 upon reaching eighteen years of age.

113 Sec. 5. (NEW) (*Effective January 1, 2010*) The Labor Commissioner  
114 shall issue a certificate of eligibility, valid for three years from the date  
115 of issuance, to a person seeking to employ a child performer upon

116 application for such certificate on a form prescribed by the  
117 commissioner. Each initial application for a certificate of eligibility  
118 shall be accompanied by a fee as determined by the commissioner,  
119 provided such fee shall not exceed three hundred fifty dollars for an  
120 initial application or two hundred dollars for certification renewal.

121       Sec. 6. (NEW) (*Effective January 1, 2010*) (a) The Labor Commissioner  
122 shall issue a child performer permit upon application and, in the case  
123 of a school age child, upon proof of such child's good standing in  
124 school. A child or his parent or legal guardian, on behalf of such child,  
125 may apply for such permit on a form prescribed by the commissioner.  
126 Each application shall include the following:

127       (1) The legal and stage name and the age of the child;

128       (2) The name and address of the child's parent or legal guardian;

129       (3) For a school-age child performing during school hours, the  
130 arrangements that have been made for educational instruction in  
131 accordance with section 3 of this act, or for otherwise making up any  
132 lost school time; and

133       (4) For each child performer whose gross earnings in any calendar  
134 year exceed or will exceed ten thousand dollars, evidence satisfactory  
135 to the commissioner that a child performer trust has been established  
136 for the benefit of the child performer in accordance with section 4 of  
137 this act.

138       (b) Each application for a child performer permit shall include a  
139 statement, signed by a parent or other legal guardian of the child, that  
140 such parent or guardian consents to the employment of the child as  
141 described in the application.

142       (c) At the time of application for a child performer permit, the  
143 commissioner shall inform the child performer of the child performer  
144 trust requirements. The commissioner shall provide a notice in twelve-  
145 point boldface type to read as follows: "CONNECTICUT STATE LAW

146 REQUIRES FIFTEEN PER CENT OF A CHILD PERFORMER'S  
147 EARNINGS TO BE PLACED IN TRUST FOR THE BENEFIT OF THE  
148 CHILD. THE CHILD PERFORMER'S PARENTS OR LEGAL  
149 GUARDIAN MUST ESTABLISH THE CHILD PERFORMER TRUST  
150 TO COMPLY WITH THIS REQUIREMENT. THE CHILD'S PARENTS  
151 OR LEGAL GUARDIAN MUST PROVIDE THE CHILD  
152 PERFORMER'S EMPLOYER WITH THE INFORMATION  
153 NECESSARY TO TRANSFER THESE EARNINGS TO THE TRUST.  
154 FAILURE TO COMPLY WITH THIS REQUIREMENT WILL  
155 PREVENT THE LABOR DEPARTMENT FROM RENEWING THE  
156 CHILD'S PERMIT TO WORK AS A CHILD PERFORMER."

157 (d) A child performer permit shall be valid for six months from the  
158 date of issuance, provided the child, or parent or legal guardian of the  
159 child, provides evidence to the commissioner, at intervals to be  
160 determined by the commissioner, during the duration of the permit  
161 demonstrating that such child is maintaining satisfactory academic  
162 performance as determined by the child's school of enrollment. A child  
163 performer, upon securing employment, and the employer providing  
164 the employment shall notify the Labor Commissioner of the location  
165 and expected duration of employment, as well as whether the  
166 employment is a movie, television series, opera, play or other  
167 performance, prior to the commencement of employment.

168 (e) No child performer permit shall be issued if the commissioner  
169 determines that the intended employment is harmful to the welfare,  
170 development or proper education of the child. A child performer  
171 permit issued in accordance with this section may be revoked by the  
172 commissioner for good cause.

173 (f) No child performer permit shall be renewed, nor shall a  
174 subsequent child performer permit be issued, unless the parent or legal  
175 guardian of the child performer demonstrates to the commissioner that  
176 a child performer trust has been established for the benefit of the child  
177 performer in accordance with section 4 of this act.

178       Sec. 7. (NEW) (*Effective January 1, 2010*) (a) Each employer shall keep  
179 on file all eligibility certificates and child performer permits issued in  
180 accordance with sections 5 and 6 of this act. Such permits and  
181 certificates shall be available at all times for inspection by any  
182 attendance officer, appointed in accordance with section 10-199 of the  
183 general statutes, probation officer, or representative of the State Board  
184 of Education or the Labor Department. No such attendance officer,  
185 probation officer or representative shall be denied entrance to any  
186 place at which a child performer is being employed. If such attendance  
187 officer, probation officer or representative is denied entrance to such  
188 place, or if such attendance officer, probation officer or representative  
189 determines that any violation of sections 2 to 8, inclusive, of this act or  
190 of chapter 557 of the general statutes exists, he or she shall report, in  
191 writing, such denial or violation to the Labor Commissioner not later  
192 than forty-eight hours after such denial or determination.

193       (b) Failure to produce the child performer permit or eligibility  
194 certificate for a child performer shall be prima facie evidence of the  
195 employment of such child performer in violation of sections 2 to 8,  
196 inclusive, of this act. Evidence that any person was the owner,  
197 manager or superintendent of any place in which such child performer  
198 is alleged to have been employed shall be prima facie evidence that the  
199 person employed or permitted such child performer to be employed in  
200 violation of sections 2 to 8, inclusive, of this act.

201       Sec. 8. (NEW) (*Effective January 1, 2010*) If the Labor Commissioner  
202 finds that an employer has violated any provision of sections 2 to 8,  
203 inclusive, of this act or the regulations adopted pursuant to section 9 of  
204 this act, the commissioner shall fine such employer not more than one  
205 thousand dollars for the first violation, not more than two thousand  
206 dollars for a second violation and not more than three thousand  
207 dollars for a third or subsequent violation.

208       Sec. 9. (NEW) (*Effective July 1, 2008*) On or before January 1, 2010,  
209 the Labor Commissioner shall adopt regulations, in accordance with  
210 chapter 54 of the general statutes, to implement the provisions of

211 section 2 to 8, inclusive, of this act. Such regulations shall include, but  
212 not be limited to, provisions to establish: (1) Requirements and  
213 procedures for the issuance of eligibility certificates in accordance with  
214 section 5 of this act; (2) the number of hours and times of day a child  
215 performer may work, including the number of breaks child performers  
216 of different ages shall be given; (3) safe set and other location  
217 requirements; (4) when and where parents or legal guardians may  
218 accompany child performers; (5) requirements for the supervision of  
219 child performers on nonschool days; (6) requirements for criminal  
220 history records checks, to be conducted in accordance with section 29-  
221 17a of the general statutes, for individuals supervising child  
222 performers during work hours; and (7) any other requirements the  
223 commissioner deems appropriate to ensure the health, safety and well-  
224 being of child performers.

225       Sec. 10. (*Effective July 1, 2008*) The Commissioner of Education, in  
226 conjunction with the Commissioner of Higher Education, shall conduct  
227 a study to determine the necessary education and certification  
228 requirements for studio teachers to provide educational instruction  
229 and other supervision to child performers, as defined in section 1 of  
230 this act, unable to attend school while working. Such study shall  
231 include, but not be limited to, an examination of the laws of other  
232 states that provide certification for studio teachers. On or before  
233 February 1, 2009, the Commissioner of Education shall submit a report,  
234 in accordance with section 11-4a of the general statutes, to the joint  
235 standing committees of the General Assembly having cognizance of  
236 matters relating to education and higher education making  
237 recommendations for education and certification or other credentialing  
238 requirements for studio teachers in this state.

239       Sec. 11. Subsection (a) of section 10-193 of the general statutes is  
240 repealed and the following is substituted in lieu thereof (*Effective*  
241 *January 1, 2010*):

242       (a) The superintendent of schools of any local or regional board of  
243 education or an agent designated by such superintendent shall, upon



244 application and in accordance with procedures established by the State  
245 Board of Education, furnish, to any person desiring to employ a minor  
246 under the age of eighteen years (1) in any manufacturing, mechanical  
247 or theatrical industry, other than as a child performer, as defined in  
248 section 1 of this act, restaurant or public dining room, or in any  
249 bowling alley, shoe-shining establishment or barber shop, a certificate  
250 showing that such minor is sixteen years of age or older, (2) in any  
251 mercantile establishment, a certificate showing that such minor is  
252 fifteen years of age or older, and (3) at any municipal or private golf  
253 course, a certificate showing that such minor is fourteen years of age or  
254 older.

255 Sec. 12. Subsection (a) of section 31-23 of the general statutes is  
256 repealed and the following is substituted in lieu thereof (*Effective*  
257 *January 1, 2010*):

258 (a) No minor under sixteen years of age shall be employed or  
259 permitted to work in any manufacturing, mechanical, mercantile or  
260 theatrical industry, other than as a child performer, as defined in  
261 section 1 of this act, restaurant or public dining room, or in any  
262 bowling alley, shoe-shining establishment or barber shop, provided  
263 the Labor Commissioner may authorize such employment of any  
264 minor between the ages of fourteen and sixteen who is enrolled in (1) a  
265 public school in a work-study program as defined and approved by  
266 the Commissioner of Education and the Labor Commissioner or in a  
267 program established pursuant to section 10-20a of the 2008 supplement  
268 to the general statutes, or (2) a summer work-recreation program  
269 sponsored by a town, city or borough or by a human resources  
270 development agency which has been approved by the Labor  
271 Commissioner, or both, and provided the prohibitions of this section  
272 shall not apply to any minor over the age of fourteen who is under  
273 vocational probation pursuant to an order of the Superior Court as  
274 provided in section 46b-140 of the 2008 supplement to the general  
275 statutes or to any minor over the age of fourteen who has been placed  
276 on vocational parole by the Commissioner of Children and Families.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2010</i>	New section
Sec. 2	<i>January 1, 2010</i>	New section
Sec. 3	<i>January 1, 2010</i>	New section
Sec. 4	<i>January 1, 2010</i>	New section
Sec. 5	<i>January 1, 2010</i>	New section
Sec. 6	<i>January 1, 2010</i>	New section
Sec. 7	<i>January 1, 2010</i>	New section
Sec. 8	<i>January 1, 2010</i>	New section
Sec. 9	<i>July 1, 2008</i>	New section
Sec. 10	<i>July 1, 2008</i>	New section
Sec. 11	<i>January 1, 2010</i>	10-193(a)
Sec. 12	<i>January 1, 2010</i>	31-23(a)

***Statement of Legislative Commissioners:***

In subdivision (2) of section 1 "graduated from high school or who is sixteen or seventeen years of age and has withdrawn from school in accordance with the provisions of section 10-184 of the general statutes" was substituted for "completed the requirements of compulsory education" for accuracy and clarity. In sections 2 and 3 "under eighteen years of age" was removed because it was duplicative of language in the definition of child performer. Language in sections 5 and 6 on regulations was moved to section 9 for consistency. In section 6 language was added to clarify the application process and to limit the requirement for proof of good standing in school to applications for permits for school-age children.

**LAB**      *Joint Favorable Subst.*